IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 7852 of 2007(I)

PETITIONER:

V.ABDUL KHADER,S/O.KUTTIALI,VAKKAYIL HOUSE,KARALMANA P.O.

BY ADV. SRI.C.E.UNNIKRISHNAN

RESPONDENTS:
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1. THE GENERAL MANAGER,AUTHORISED OFFICER, CHERPLACHERY CO-OPERATIVE URBAN BANK LIMITED NO. 1696,CHERPLACHERY P.O.

2. CHERPLACHERY CO-OPERATIVE URBAN BANK LTD NO.1696,REPRESENTED BY ITS GENERAL MANAGER.

BY ADV. SRI.V.K.BALACHANDRAN
SRI.S.SHYAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/04/2007, THE COURT ON 12/04/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF NOTICE ISSUED BY R1 DT.31.10.2006.

P2: TRUE COPY OF THE OBJECTION DT.10.11.2006.

P3: TRUE COPY OF THE NOTICE ISSUED BY R1 DT.1.3.2007.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.7852 of 2007

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Dated this the 12th day of April, 2007.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel for first and second respondents. Even though petitioner has not complied with the interim order, at the request of counsel, the petitioner is granted time till 27th of this month to remit Rs.3 lakhs in terms of the interim order. Counsel for the petitioner undertakes that petitioner will remit the said Rs.3 lakhs on or before 27th of this month and the balance in ten equal monthly instalments. In view of the undertaking, W.P. is disposed of granting facility to the petitioner to remit Rs.3 lakhs on or before 27th of this month and the balance in ten equal monthly instalments, payable on or before the last day of every month commencing from May 2007 onwards. However, on single default, the instalment facility will stand automatically cancelled and in that event, there will be direction to the petitioner to surrender the mortgaged property to the first respondent, failing which first respondent can move this court for initiating contempt proceedings against the petitioner. On remittance of Rs.3 lakhs, the Bank will credit the same and give a copy of statement of accounts to the petitioner showing all the

charges and interest debited to his account, credit given for payments and balance due. If petitioner points out any mistake in the demand, the same will be corrected by the first respondent.

C.N.RAMACHANDRAN NAIR
Judge

pms